

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
v.	:	CRIMINAL NO. 20-CR-00169
APOTEX CORP.	:	

ORDER

Before the Court is the United States' Unopposed Motion to Dismiss the Information filed in the above-captioned case pursuant to **Rule 48(a)** of the Federal Rules of Criminal Procedure. Having reviewed the motion, the Court finds as follows:

1. On May 6, 2020, the United States filed a criminal Information charging Apotex Corp. ("Apotex") with one count of conspiracy in restraint of trade, in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

2. On May 7, 2020, the United States filed a Deferred Prosecution Agreement ("DPA") it had entered into with Apotex. In the DPA, the United States agreed to defer prosecution of Apotex for a period of three years. Among other obligations, the DPA required Apotex to cooperate with the United States' ongoing investigation and pay a criminal monetary penalty of \$24,100,000.

3. The DPA provided that the United States would not continue the criminal prosecution against Apotex and would move to dismiss the Information within thirty days of the expiration of the DPA if Apotex complied fully with its obligations under the DPA.

4. The DPA expired on May 6, 2023.

5. The United States represents that Apotex has met its obligations under the DPA,

including cooperation with the United States' investigation, satisfaction of the self-reporting provisions, and making timely payment of the \$24,100,000 monetary penalty. Apotex has a continuing obligation to provide full and truthful cooperation to the United States as required under the DPA, irrespective of this dismissal.

6. The United States has determined that dismissal of the Information is appropriate at this time. Counsel for Apotex concurs.

Accordingly, it is hereby ORDERED that the United States' Unopposed Motion to Dismiss the Information is GRANTED.

It is so ORDERED, this 16th day of May, 2023, in Philadelphia, Pennsylvania.



HON. R. BARCLAY SURRECK
UNITED STATES DISTRICT JUDGE